

REMARKS

This is in response to the Official Action mailed July 22, 2002 for the above-identified patent application. Claims 22, 34, 45 and 46 have been canceled. Claims 19-21, 23-33, 35-38, and 48-58 are now pending in the application. Claims 19, 38 and 48 have been amended as is further discussed below. For reasons set forth in detail below, Applicants request that all objections and rejections be withdrawn and that the pending claims be allowed.

Further to the Examiner's restriction requirement, Applicants confirm the election with traverse of the claims of Group II. It is understood that the non-elected claims have been withdrawn from consideration by the Examiner. Applicants reserve the right to prosecute the non-elected claims in a separate patent application.

Claim Rejections Under 35 U.S.C. § 112:

Claim 34 has been rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled by the specification as originally filed in light of the recitation of a fiber of "wood or crumb rubber." In view of the cancellation of Claim 34, it is respectfully submitted that the rejection is moot.

Claims 19-38, 45-46 and 48-58 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite due to the recitation of "the fiberglass/thermal plastic mixture," which lacks antecedent basis. In response, Claims 34, 45, and 46 have been cancelled, and all occurrences of the recitation "the fiberglass/thermal plastic mixture" in the remaining claims have been replaced with the recitation "the fiber/thermal plastic mixture," which does not lack antecedent basis in any of the amended claims. In

view of the foregoing, withdrawal rejection of Claims 19-3, 35-38, and 48-58 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully requested.

Claim Objections:

Claim 22 has been objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of Claim 19. In view of the cancellation of Claim 22, it is respectfully submitted that the objection is moot.

Claim Rejections under 35 U.S.C. §§ 102 and 103:

Claims 19, 21-23, 26-28, 32-38 and 45-46 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,265,037 (Godavarti et al.). According to the Examiner, Godavarti et al. teaches forming a composite article, comprising adding 30-140 mesh wood fibers, drying or heating the fibers to remove moisture, contacting a molten or hot plastic with fibers, and forming the mixture with a die. The Examiner takes the position that Godavarti et al. inherently teaches contacting a molten plastic with fibers, and inherently teaches the limitation of injecting hot plastic into a container (Official Action, p. 4, lines 9-15).

However, it is respectfully submitted that Claims 19, 21, 23, 26-28, 32-3, and 35-38 are not anticipated by Godavarti et al. Claim 19 has been amended to expressly recite that the fiber/thermal plastic composite comprises about 35% fiberglass, about 25% wood, and about 40% plastic. It is respectfully submitted that the amendment is supported by p. 8, lines 8-10 of the specification as originally filed, and therefore does not constitute new matter. It is respectfully submitted that Godavarti et al. does not

disclose or suggest the relative amounts of wood and fiberglass in the fiber of the fiber/plastic composite. Accordingly, it is respectfully submitted that Claim 19 as amended (and Claims 21, 23, 26-28, 32-33 and 35-38 ultimately dependent thereon) is not anticipated by Godavarti et al.

In view of the foregoing, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) of Claims 19, 21, 23, 26-28, 32-33 and 35-38 as anticipated by Godavarti et al. is respectfully requested.

Claims 48, 50-51 and 53-55 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,265,037 (Godavarti et al.). The teachings of Godavarti et al. have been discussed above. As discussed above, the Examiner takes the position that Godavarti et al. inherently teaches contacting a molten plastic with fibers, and inherently teaches the limitation of injecting hot plastic into a container

However, it is respectfully submitted that Claims 48, 50-51 and 53-55 are not anticipated by Godavarti et al. Claim 48 has been amended to expressly recite that the fiber/thermal plastic composite comprises about 35% fiberglass, about 25% wood, and about 40% plastic. As discussed above, Godavarti et al. does not disclose or suggest the relative amounts of wood and fiberglass in the fiber of the fiber/plastic composite. Accordingly, it is respectfully submitted that Claim 48 as amended (and Claims 50-51 and 53-55 ultimately dependent thereon) is not anticipated by Godavarti et al.

In view of the foregoing, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) of Claims 48, 50-51 and 53-55 as anticipated by Godavarti et al. is respectfully requested.

Claims 20, 24-25 and 29-30 have been rejected under 35 U.S.C. § 103(a) as obvious over Godavarti et al. as applied to Claims 19, 21-23, 26-28, 32-38 and 45-46 in view of U.S. Patent No. 5,474,722 (Woodhams). The teachings of Godavarti et al. have been discussed above. The Examiner acknowledges that Godavarti et al. does not teach a gravimetric feeder as recited in Claim 20, drying the fibers at about 425 F as recited in Claim 25, or a first cooling stage to about 200 F as recited in Claim 29. However, the Examiner takes the position that Woodhams teaches a gravimetric feeder, drying the fibers at about 220 C, and a first cooling stage to about 90 C (Official Action, p. 5, line 21 – p. 6, line 13). The Examiner concludes that it would have been obvious to combine the teachings of Woodhams with the teachings of Godavarti to obtain the invention claimed in Claims 20, 24-25 and 29-30.

However, it is respectfully submitted that Claims 20, 24-25 and 29-30 are not obvious over Godavarti et al. as applied to Claims 19, 21-23, 26-28, 32-38 and 45-46 in view of Woodhams. Claims 20, 24-25 and 29-30 ultimately depend on Claim 19, which, as discussed above, has been amended to expressly recite that the fiber/thermal plastic composite comprises about 35% fiberglass, about 25% wood, and about 40% plastic. As discussed above, Godavarti et al. does not disclose or suggest the relative amounts of wood and fiberglass in the fiber of the fiber/plastic composite. Woodhams likewise does not disclose or suggest the relative amounts of wood and fiberglass in the fiber of the fiber/plastic composite and therefore does not cure the deficiency of Godavarti et al. Accordingly, it is respectfully submitted that Claims 20, 24-25 and 29-30 are not obvious over Godavarti et al. in view of Woodhams et al.

In view of the foregoing, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of Claims 20, 24-25 and 29-30 as obvious over Godavarti et al. in view of Woodhams is respectfully requested.

Claims 49, 52, and 56-68 have been rejected under 35 U.S.C. § 103(a) as obvious over Godavarti et al. as applied to Claims 48, 50-51 and 53-55 in view of Woodhams. The teachings of Godavarti et al. have been discussed above. The Examiner acknowledges that Godavarti et al. does not teach a gravimetric feeder, drying the fibers at about 425 F, or a first cooling stage to about 200 F. However, the Examiner takes the position that Woodhams teaches a gravimetric feeder, drying the fibers at about 220 C, and a first cooling stage to about 90 C (Official Action, p. 6, line 23 – p. 7, line 9). The Examiner concludes that it would have been obvious to combine the teachings of Woodhams with the teachings of Godavarti to obtain the invention claimed in Claims 49, 52, and 56-58.

However, it is respectfully submitted that Claims 49, 52, and 56-58 are not obvious over Godavarti et al. as applied to Claims 48, 50-51 and 53-55 in view of Woodhams. Claims 49, 52, and 56-58 ultimately depend on Claim 48, which, as discussed above, has been amended to expressly recite that the fiber/thermal plastic composite comprises about 35% fiberglass, about 25% wood, and about 40% plastic. As discussed above, Godavarti et al. does not disclose or suggest the relative amounts of wood and fiberglass in the fiber of the fiber/plastic composite. As further discussed above, Woodhams likewise does not disclose or suggest the relative amounts of wood and fiberglass in the fiber of the fiber/plastic composite and therefore does not cure the

deficiency of Godavarti et al. Accordingly, it is respectfully submitted that Claims 49, 52, and 56-58 are not obvious over Godavarti et al. in view of Woodhams et al.

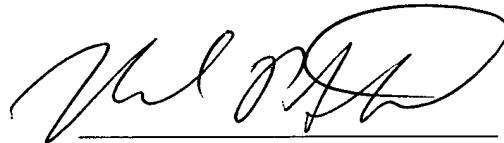
In view of the foregoing, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) of Claims 49, 52, and 56-58 as obvious over Godavarti et al. in view of Woodhams is respectfully requested.

In addition to the foregoing amendment, Claims 19, 38 and 48 have been amended to correct certain informalities. It is respectfully submitted that no new matter has been added by these amendments.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **“Version with Markings to Show Changes Made.”**

In view of the foregoing amendments and remarks, reconsideration and allowance of all the claims in this application are respectfully requested.

Respectfully submitted,



Neil P. Sirota
Patent Office Reg. No. 38,306

(212) 408-2500
Attorneys for Applicants

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 22, 34 and 45-46 have been canceled.

Claims 19, 38 and 48 have been amended as follows:

19. (Amended) A process for forming a composite article of manufacture comprising:

(a) adding fibers screened through a 20-40 mesh to a mixing container;

(b) heating the fibers in step (a) [step(a)] to remove moisture;

(c) contacting [a] the hot thermal plastic additive mixture with the fibers of step (b) to produce a fiber/thermal plastic composite; and

(d) contacting the fiber/thermal plastic mixture of step (c) with a die to provide shape to the fiber/thermal plastic composite and to produce the composite article of manufacture, wherein the fiber/thermal plastic composite comprises about 35% fiberglass, about 25% wood, and about 40% plastic.

38. (Amended) A process for forming a composite article of manufacture according to claim 36 wherein between about .5% to about 3% of maleic anhydride is added to the [composite article of manufacture] hot thermal plastic.

48. (Amended) A process for forming a composite article of manufacture comprising:

(a) adding fiberglass chop about 1/4 inch to about 1 inch in length to a mixing container;

(b) heating the fibers in step (a) to remove moisture;

- (c) contacting [a] the hot thermal plastic additive mixture with the fibers of step
- (b) to produce a fiber/thermal plastic composite; and
- (d) contacting the fiber[glass]/thermal plastic mixture of step (c) with a die to provide shape to the fiber[glass]/thermal plastic composite and to produce the composite article of manufacture, wherein the fiber/thermal plastic composite comprises about 35% fiberglass, about 25% wood, and about 40% plastic.